

Superseded 5/12/2015

76-10-1313 Sexual solicitation -- Penalty.

- (1) A person is guilty of sexual solicitation when the person:
 - (a) offers or agrees to commit any sexual activity with another person for a fee;
 - (b) pays or offers or agrees to pay a fee to another person to commit any sexual activity; or
 - (c) with intent to engage in sexual activity for a fee or to pay another person to commit any sexual activity for a fee engages in, offers or agrees to engage in, or requests or directs another to engage in any of the following acts:
 - (i) exposure of a person's genitals, the buttocks, the anus, the pubic area, or the female breast below the top of the areola;
 - (ii) masturbation;
 - (iii) touching of a person's genitals, the buttocks, the anus, the pubic area, or the female breast; or
 - (iv) any act of lewdness.
- (2) An intent to engage in sexual activity for a fee may be inferred from a person's engaging in, offering or agreeing to engage in, or requesting or directing another to engage in any of the acts described in Subsection (1)(c) under the totality of the existing circumstances.
- (3)
 - (a) Sexual solicitation is a class B misdemeanor, except under Subsection (3)(b).
 - (b) Any person who is convicted a second or subsequent time under this section or under a local ordinance adopted in compliance with Section 76-10-1307, is guilty of a class A misdemeanor, except as provided in Section 76-10-1309.
- (4) If a person commits an act of sexual solicitation and the person solicited is a child, the offense is a third degree felony if the solicitation does not amount to human trafficking or human smuggling, a violation of Section 76-5-308, or aggravated human trafficking or aggravated human smuggling, a violation of Section 76-5-310.